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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/215,630	12/16/1998	JANE JIN	CISCO-0650	7147

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EXAMINER	
TRAN, PHUC H	
ART UNIT	**PAPER NUMBER**
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29

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/215,630	Applicant(s) JIN ET AL.	
	Examiner PHUC H TRAN	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,12-16,19-22,31-36,38,42-45,48,51-53 and 56* is/are rejected.

7)☒ Claim(s) *7,9-11,17,18,23-30,37,39-41,46,47,49,50,54,55,57 and 58* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 3, 12, 31, 33, 42, and 43 are objected to because of the following informalities: "the QoS level being associated with the user regardless of a source address of packets originated by the user" is not disclosed in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8, 12-16,19-22, 31-36, 38, 42-45, 48, 51-53, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (U.S. Patent No. 6154776) in view of Lemaire et al. (U.S. Patent No. 6208149 B1).

- With respect to claims 1-2, 4, 31-35 & 42-44, Martin teaches quality of service allocation on a network, which interpreted as a user in a data communications network, which comprises:

obtaining a user service profile for the user in response to a user log-in attempt to a service selection gateway (col. 7, lines 19-20), the QoS level being associated with the user regardless of a source address of packets originated by the user (col. 7, lines 21-23);

routing all packets originated by the user through the SSG during the session (the packets send from the users 12 to 26);

setting, in the SSG, the QoS bits of packets originated by the user in accordance with the QoS level for the user (col. 10, lines 40-41); and

passing the packets on to the data communications network (e.g. the packet from users 12 to network 26).

Martin fails to teach setting the QoS bits accordance with the QoS level for the user. Lemaire teaches setting the QoS information in header, which is interpreted as inserting bit into header, for data units that are associated with a flow (col. 1, lines 30-41), for guarantee the quality of service and connection to the user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the QoS method in Lemaire's invention into Martin for protecting the connection of the user in network and guarantee for the quality of service with the user.

- With respect to claim 3, Martin teaches quality of service allocation on a network, which interpreted as a method of setting a user in a data communications network, which comprises:

initiating a request to an authentication, authorization and accounting server in response to the user's attempt to log-in (e.g. Fig. 7, the user log-in to the network, col. 12, lines 27-44);

receiving, in response to the request, a user service profile corresponding to the user the user service profile including a Quality of Service field (col. 10, lines 1-10), the user service profile being associated with the user regardless of a source address of packets originated by the

user (e.g. the parameter of the user); and using the Quality of Service field to set QoS bits within packets transmitted by the user (col. 10, lines 40-41).

Martin fails to teach using the Quality of Service field to set QoS bits within packets transmitted by the user.

Lemaire teaches the user service profile including a Quality of Service field (e.g. the QoS information in the header of packet) and using the Quality of Service field to set QoS bits within packets transmitted by the user (col. 1, lines 30-41) for protection error and guarantee of connection for user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of QoS in Lemaire's invention into Martin for guarantee the connection of user to the network and protection the error.

- With respect to claim 5, Martin teaches quality of service allocation on a network, which is interpreted as a method of setting a user in a data communications network, which comprises:

receiving, at a service selection gateway (block 20, 24 in Fig. 1) to which the user (block 12 in Fig. 1) is in communication a request from the user (e.g. the log-in of user) assign a particular QoS level to at least one packet flow transmitted by the user (col. 4, lines 50-56);

assigning, in response to the request, a QoS level to the at least one packet flow (col. 7, lines 20-21);

setting the QoS bit within packets belonging to the at least one packet flow received at the service selection gateway in accordance with the QoS level (col. 10, lines 40-41); and

transmitting the packets belonging to the at least one packet flow to the data communications network (e.g. the packets are allowed to communicate with network).

Martin fails to teach setting the QoS bits and assigning a particular Quality of Service level to at least one packet flow transmitted by the user within packets belonging to the at least one packet flow received at the service selection gateway in accordance with the Quality of Service level. Lemaire teaches setting the QoS information in header, which is interpreted as inserting bit into header, for data units that are associated with a flow (col. 1, lines 30-41) for controlling protecting in the communication and guarantee the service for the user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of QoS in Lemaire's invention into Martin for guarantee the connection of user to the network and protection the error.

- With respect to claims 6, 15-16, & 36, Martin discloses wherein all the packets of the at least one packet flow in an IP packet (e.g. the packet in Martin's invention).

- With respect to claims 8 & 38, Martin teaches communicating between the service selection gateway and an AAA server the request (e.g. Fig. 7 shows).

- With respect to claims 12 & 19, Martin discloses an apparatus communications system (Fig. 1), which comprises:

a service selection gateway (20-24 in Fig. 1) in communication with the user (12 in Fig. 1), the SSG receiving a user service profile including a QoS level in response to an attempt to log-in by the user (col. 7, lines 19-30) the QoS level being associated with the user regardless of a source address of packets originated by the user (col. 7, lines 21-23);

and a packet modifier associated with the SSG (e.g. the packets is modified at network access server; col. 7, lines 6-8, col. 13, lines 1-8), the packet modifier modifying the QoS bits of packet sent by the user to reflect the QoS level for the user.

Martin fails to teach setting the QoS bits of packets. Lemaire teaches setting the QoS variables for data units that are associated with a flow (col. 1, lines 30-41) for guarantee the quality of service and connection to the user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the QoS method in Lemaire's invention into Martin for protecting the connection of the user in network and guarantee for the quality of service with the user.

- With respect to claims 13, 14, & 21, Martin discloses wherein the packet modifier modifies all packets transmitted by the user to the data communications network via the SSG (e.g. col. 7, lines 6-8).

- With respect to claims 20 & 22, Martin teaches wherein the QoS bit field is set to a value specified in the QoS request (col. 10, lines 40-42).

- With respect to claim 45, 48, 53 & 56, Martin discloses modifying, in the SSG, the QoS bits of the packets transmitted by the user (block 20 of QoS enforcement).

- With respect to claim 51, Martin teaches wherein the SSG is also in communication with an authentication, authorization, and accounting (AAA) server (Fig. 7).

- With respect to claim 52, Martin teaches wherein the user service profile including the QoS level is received from the AAA server (col. 7, lines 20-21).

Allowable Subject Matter

4. Claims 7, 9-11, 17-18, 23-30, 37, 39-41, 46-47,49-50, 54-55, and 57-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6, 8, 12-16,19-22, 31-36, 38, 42-45, 48, 51-53, and 56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
July 21, 2004

DANG TON
PRIMARY EXAMINER